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EXAMINER	
AILES, BENJAMIN A	

ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/027,409	EILERS ET AL.	
	Examiner	Art Unit	
	BENJAMIN AILES	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9-11 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9-11 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 9-11 and 19-24 remain pending.

2. This action is in response to correspondence filed 27 March 2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 9-11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton et al. (US 6,470,378 B1), hereinafter referred to as Tracton, in view of Fields et al. (US 6,412,008 B1), hereinafter referred to as Fields, and further in view of Colby et al. (US 6,862,624), hereinafter referred to as Colby.

6. Regarding claim 1, Tracton teaches a method in a data processing system comprising a web server (fig. 4, server 100, col. 4, ll. 25-28, web server) having a web

page with a content (fig. 4, web page content 120, col. 4, ll. 28, web page content), the method comprising the steps of:

determining to download the web page (col. 4, ll. 28, provide web page content to client) to a client (fig. 4, client 102, col. 4, ll. 25, client) responsive to receiving a request message from the client to download the web page (col. 4, ll. 50-54, client contacts server to retrieve information);

obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10, retrieve client capability from a central registry);

adapting the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13, provide the client with capability-tailored data); and

downloading the web page with the adapted content to the client (col. 4, ll. 10-13, provide the client with capability-tailored data).

Tracton teaches the obtainment of a client capability (col. 4, ll. 7-10, retrieve client capability from a central registry) but does not explicitly teach (a) the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" and (b) "wherein the web server retrieves the client capability from a local secondary storage on the web server."

(a) In related art, Fields teaches the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" wherein Fields taught in column 2, lines 47-55 the sending of a

request by a client to a server for a network file. Included within the client request is information which may include the client machine type, browser and other customization options. Fields teaches further the inclusion of the client characteristic information within the header information part of the request message (col. 4, ll. 55-60 and fig. 3A). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enable Tracton to analyze a request message for minimum client characteristics as taught by Fields. One of ordinary skill in the art would have been motivated to perform this operation to further enable the customization of network files being served to clients for display based on browser type, client machine type, current conditions, user preferences and corporate requirements, etc. as taught by Fields in column 2, lines 30-37.

(b) Tracton teaches wherein a client capability can be obtained from a registry located remotely for security reasons (col. 4, ll. 4-13). In related art, Colby teaches wherein a server can store information locally, the information being of client information with respect to a client's capability. Therefore, Colby teaches "wherein the web server retrieves the client capability from a local secondary storage on the web server" wherein Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to modify the teachings of Tracton and Fields in view of Colby, wherein it would

have been obvious to make a slight modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

7. Regarding claim 9, Tracton, Fields and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49, setting of Netscape browser).

8. Regarding claim 10, Tracton, Fields and Colby teach the method wherein the client capability comprises a video display capability of the client (Traction, col. 4, ll. 33-42, video capability includes MPEG video encoding).

9. Regarding claim 11, Tracton teaches a computer readable medium containing instructions that cause a data processing system comprising a web server (fig. 4, server 100, col. 4, ll. 25-28, web server) having a web page with a content (fig. 4, web page content 120, col. 4, ll. 28, web page content) to perform a method comprising the steps of:

determining to download the web page (col. 4, ll. 28, provide web page content to client) to a client (fig. 4, client 102, col. 4, ll. 25, client) responsive to receiving a request

message from the client to download the web page (col. 4, ll. 50-54, client contacts server to retrieve information);

obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10, retrieve client capability from a central registry);

adapting the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13, provide the client with capability-tailored data); and

downloading the web page with the adapted content to the client (col. 4, ll. 10-13, provide the client with capability-tailored data).

Tracton teaches the obtainment of a client capability (col. 4, ll. 7-10, retrieve client capability from a central registry) but does not explicitly teach (a) the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" and (b) "wherein the web server retrieves the client capability from a local secondary storage on the web server."

(a) In related art, Fields teaches the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" wherein Fields taught in column 2, lines 47-55 the sending of a request by a client to a server for a network file. Included within the client request is information which may include the client machine type, browser and other customization options. Fields teaches further the inclusion of the client characteristic information within the header information part of the request message (col. 4, ll. 55-60 and fig. 3A).

One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enable Tracton to analyze a request message for minimum client characteristics as taught by Fields. One of ordinary skill in the art would have been motivated to perform this operation to further enable the customization of network files being served to clients for display based on browser type, client machine type, current conditions, user preferences and corporate requirements, etc. as taught by Fields in column 2, lines 30-37.

(b) Tracton teaches wherein a client capability can be obtained from a registry located remotely for security reasons (col. 4, ll. 4-13). In related art, Colby teaches wherein a server can store information locally, the information being of client information with respect to a client's capability. Therefore, Colby teaches "wherein the web server retrieves the client capability from a local secondary storage on the web server" wherein Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to modify the teachings of Tracton and Fields in view of Colby, wherein it would have been obvious to make a slight modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information

accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

10. Regarding claim 19, Tracton, Fields and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49, setting of Netscape browser).

11. Regarding claim 20, Tracton, Fields and Colby teach the method wherein the client capability comprises a video display capability of the client (Traction, col. 4, ll. 33-42, video capability includes MPEG video encoding).

12. Regarding claim 21, Tracton teaches a web server (fig. 4, server 100, col. 4, ll. 25-28, web server) comprising:

a memory comprising a computer program that determines to download the web page (col. 4, ll. 28, provide web page content to client) to a client (fig. 4, client 102, col. 4, ll. 25, client) responsive to receiving a request message from the client to download the web page (col. 4, ll. 50-54, client contacts server to retrieve information), obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10, retrieve client capability from a central registry, adapts the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13, provide the client with capability-tailored data), and downloads the web page with the adapted content to the client (col. 4, ll. 10-13, provide the client with capability-tailored data).

Tracton teaches the obtainment of a client capability (col. 4, ll. 7-10, retrieve client capability from a central registry) but does not explicitly teach (a) the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" and (b) "wherein the web server retrieves the client capability from a local secondary storage on the web server.

(a) In related art, Fields teaches the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" wherein Fields taught in column 2, lines 47-55 the sending of a request by a client to a server for a network file. Included within the client request is information which may include the client machine type, browser and other customization options. Fields teaches further the inclusion of the client characteristic information within the header information part of the request message (col. 4, ll. 55-60 and fig. 3A). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enable Tracton to analyze a request message for minimum client characteristics as taught by Fields. One of ordinary skill in the art would have been motivated to perform this operation to further enable the customization of network files being served to clients for display based on browser type, client machine type, current conditions, user preferences and corporate requirements, etc. as taught by Fields in column 2, lines 30-37.

(b) Tracton teaches wherein a client capability can be obtained from a registry located remotely for security reasons (col. 4, ll. 4-13). In related art, Colby teaches wherein a server can store information locally, the information being of client information

with respect to a client's capability. Therefore, Colby teaches "wherein the web server retrieves the client capability from a local secondary storage on the web server" wherein Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to modify the teachings of Tracton and Fields in view of Colby, wherein it would have been obvious to make a slight modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

13. Regarding claim 22, Tracton, Fields and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49, setting of Netscape browser).

14. Regarding claim 23, Tracton, Fields and Colby teach the method wherein the client capability comprises a video display capability of the client (Traction, col. 4, ll. 33-42, video capability includes MPEG video encoding).

15. Regarding claim 24, Tracton teaches a data processing system for providing a web page with a content to a client (fig. 4, web page content 120, client 102, col. 4, ll. 28, web page content provided to client), the data processing system comprising:

means for determining to download the web page (col. 4, ll. 28, provide web page content to client) to a client (fig. 4, client 102, col. 4, ll. 25, client) responsive to receiving a request message from the client to download the web page (col. 4, ll. 50-54, client contacts server to retrieve information);

means for obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10, retrieve client capability from a central registry);

means for adapting the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13, provide the client with capability-tailored data); and

means for downloading the web page with the adapted content to the client (col. 4, ll. 10-13, provide the client with capability-tailored data).

Tracton teaches the obtainment of a client capability (col. 4, ll. 7-10, retrieve client capability from a central registry) but does not explicitly teach (a) the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the request message" and (b) "wherein the web server retrieves the client capability from a local secondary storage on the web server.

(a) In related art, Fields teaches the "analyzing of a request message to detect a minimum client characteristic which is included in a header information part of the

request message" wherein Fields taught in column 2, lines 47-55 the sending of a request by a client to a server for a network file. Included within the client request is information which may include the client machine type, browser and other customization options. Fields teaches further the inclusion of the client characteristic information within the header information part of the request message (col. 4, ll. 55-60 and fig. 3A). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to enable Tracton to analyze a request message for minimum client characteristics as taught by Fields. One of ordinary skill in the art would have been motivated to perform this operation to further enable the customization of network files being served to clients for display based on browser type, client machine type, current conditions, user preferences and corporate requirements, etc. as taught by Fields in column 2, lines 30-37.

(b) Tracton teaches wherein a client capability can be obtained from a registry located remotely for security reasons (col. 4, ll. 4-13). In related art, Colby teaches wherein a server can store information locally, the information being of client information with respect to a client's capability. Therefore, Colby teaches "wherein the web server retrieves the client capability from a local secondary storage on the web server" wherein Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it

obvious to modify the teachings of Tracton and Fields in view of Colby, wherein it would have been obvious to make a slight modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

Response to Arguments

16. Applicant's arguments filed 17 March 2008 have been fully considered but they are not persuasive.

17. With respect to the rejection of claim 1, 9-11 and 19-24 under 35 USC 103(a) in view of Tracton (US 6,470,378), Fields (US 6,412,008) and Colby (US 6,862,624), applicant argues with respect to independent claims 1, 11, 21 and 24 that (a) the cited prior art fails to disclose or suggest "adapting a web page to be compatible with an obtained client capability as well as a minimum client characteristic, which is detected in a header information part of a request message from a client."

18. (a) In response to argument (a), the examiner respectfully disagrees. As set forth above, Tracton teaches the adaptation of web pages based on client capabilities in column 4, lines 10-13 wherein a server can provide a client with "capability-tailored" data based on the client's identified capabilities. Tracton is not relied upon for teaching

the analyzing of a request message to detect a minimum client characteristic included in a header information part of the request message. Fields teaches on this aspect in column 2, lines 47-55 wherein Fields teaches the sending of a request by a client to a server for a network file wherein the request includes information with respect to the client's machine type, browser and other customization options. Fields teaches further in column 4, lines 55-60 that the inclusion of this information can be included within the header information part of the request message wherein Fields teaches that client preferences may be included as part of an HTTP header with respect to the client's platform, browser etc. Therefore, the cited prior art combination set forth in the above rejections is found to teach the adapting of a web page to be compatible with an obtained client capability as well as a minimum client characteristic, which is detected in a header information part of a request message from a client as required by independent claims 1, 11, 21 and 24.

19. Claims 1, 11, 21 and 24 and their respective dependent claims are therefore not found to be patentable over the cited prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishnamurthy et al. (US 2008/0091795 A1) teaches a method for improving web performance by adapting servers based on client cluster characterization.

Armstrong et al. (US 2008/0104205 A1) teaches a method and system for providing media content over a computer network based on a local playback capability of the requesting computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, 5:30-8:30AM, 1:00-6:00PM, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAA

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142